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Terry Goddard Files Lawsuit over Attempts to Delay Generic Drug

(Phoenix, Ariz. – March 18, 2008) Attorney General Terry Goddard today sued Abbott Laboratories and French drug company Fournier for violating antitrust laws by taking deliberate steps to delay the availability of a cheaper, generic version of the drug TriCor. TriCor is Abbott's brand name for a drug using fenofibrate to reduce high triglyceride and cholesterol levels.

The complaint stems from actions the two drug companies took between 2000 and 2004 to prevent the marketing of a generic version of TriCor. According to the complaint, Abbott and Fournier filed more than 10 lawsuits against generic drug companies that applied for Federal Drug Administration (FDA) approval for their generic versions of TriCor.

Abbott and Fournier either lost or the courts dismissed all 10 lawsuits. The states' complaint alleges that Abbott and Fournier filed these lawsuits to use the litigation process to delay FDA approval of the competing generic drug while the two companies made only minor changes to TriCor's formula.

"Anti-competitive conduct of this kind cannot go unchallenged," Goddard said. "This behavior hurts consumers and creates an unfair marketplace."

Goddard joined 18 other states and the District of Columbia in filing a civil complaint in U.S. District Court for the District of Delaware. The lawsuit seeks injunctive and equitable relief, damages, civil penalties, costs and attorneys' fees.

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